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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,210	04/19/2001	Masanori Ogura	35.C15304	6939
5514	7590	12/17/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BAUMEISTER, BRADLEY W	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2815

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/837,210

Applicant(s)
Ogura et al.

Examiner
B. William Baumeister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12, 17-19, 21, 32, 34, and 37-40 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 17-19, 21, 32, 34, and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claims 38 and 40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 11 and 21--from which claims 38 and 40 depend--have been amended to set forth a focusing lens. As such, claims 38 and 40--which only further recite "a focusing lens for focusing an image of an object on the color picture cell arrays"--does not appear to further limit the respective independent claims.
2. Claims 11 and 21 recite the limitation, "[the arrays] are provided with their respective color filters of a single color and focusing lens..." The limitation is arguably ambiguous as to whether singular or plural elements are intended. The Examiner suggests "[the arrays] are each provided with ~~their~~ a respective color filters of a single color and a focusing lens..." or something similar.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 10-12, 17-19, 21, 32, 34, and 37-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Independent claims 11 and 21 have been amended to recite “wherein the well contacts and well wiring are provided...”

i. As the term “well contacts” has not been previously recited in the claims, there is insufficient antecedent basis for this limitation in the claim.

ii. Regarding “and well wiring”, it is unclear whether “a well wiring” (singular) or “well wirings” (plural) is intended.

Allowable Subject Matter

5. Claims 10-12, 17-19, 21, 32, 34, 37 and 39 appear to be allowable, subject to appropriate clarification/resolution of the above claim objections and 112-2nd issues.

6. The following is a statement of reasons for the indication of allowable subject matter:

a. As was explained previously, Applicant acknowledges that it was known to provide red, green and blue detector arrays adjacently wherein each array is provided with a respective color filter of a single color and a focusing lens, and wherein the number of sides of the arrays is the same as one another (e.g., prior-art FIG 11). Applicant does not acknowledge that it was known to provide such sets of arrays in a common well. Takemoto teaches color

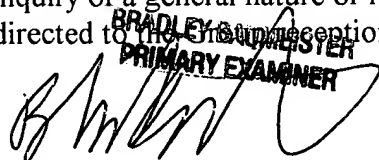
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photodetector arrays wherein the red, green and blue detection regions are integrated into a common well. It would have been obvious to the skilled artisan to have incorporated the teachings of Takemoto and Applicant's Admitted prior art so as to integrate the prior-art arrays into a common well for the purpose of increased integration/miniaturization.

b. Further, Takemoto teaches a well contact and wiring, and as was previously explained, it would have generally been obvious to have provided plural contacts at multiple regions of the common well. However, a search of the relevant art failed to disclose or reasonably suggest providing the wiring in the specifically claimed orientation of being on the periphery so as to be on at least three sides of at least two of the arrays, as set forth in the independent claims.

INFORMATION ON HOW TO CONTACT THE USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, **B. William Baumeister**, at **(703) 306-9165**. The examiner can normally be reached Monday through Friday, 8:30 a.m. to 5:00 p.m. If the Examiner is not available, the Examiner's supervisor, Mr. Tom Thomas, can be reached at (703) 308-2772. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Receptionist whose telephone number is (703) 308-0956.


BRADLEY BAUMEISTER
PRIMARY EXAMINER

B. William Baumeister
Primary Examiner, Art Unit 2815
December 15, 2003